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**IN THE DISTRICT COURT OF GUAM
TERRITORY OF GUAM**

ARNOLD DAVIS, on behalf of himself and)
all others similarly situated,)

Plaintiff,)

vs.)

GOVERNMENT OF GUAM, GUAM)
ELECTION COMMISSION et al.,)

Defendants.)

Civil Case No. **11-00035**

**DEFENDANTS'- CONCISE
STATEMENT OF MATERIAL FACTS IN
SUPPORT OF MOTION FOR
SUMMARY JUDGMENT**

Pursuant to CVLR 56, Defendants submit their concise statement of material facts in support of their Motion for Summary Judgment.

FACTS	EVIDENTIARY SUPPORT
1. Plaintiff Arnold Davis is a resident of Guam.	(Pl Compl. para 7 (ECF No. 1); Def Answer ECF No. 92 Para. 7 (ECF No. 92))

Defendants' Concise Statement of Material Facts
in Support of Motion for Summary Judgment
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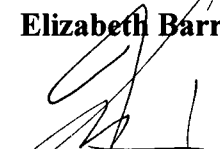
2. Plaintiff is a white male. He is a United States citizen and a resident of Guam.	(Pl. Compl. para. 20 (ECF No. 1), Def. Answer para. 20 (ECF No. 92)
3. Defendant Guam is an unincorporated territory of the United States. The structure of its government is set forth in the Organic Act passed by Congress in 1950.	(Pl. Compl. para. 4 (ECF No. 1), Def. Answer para. 4 (ECF No. 92)
4. Defendant Guam Election Commission is an agency of the government of Guam formed pursuant to Guam law.	(Pl. Compl. para. 5 (ECF No. 1), Def. Answer para. 5 (ECF No. 92)
5. Defendants Alice M. Taijeron, Martha C. Ruth, Joseph F. Mesa, Johnny P. Paitano, Joshua Tenorio, and Donald I. Weakley were members of the Guam Election Commission at the time this action was commenced. All of the defendants listed in this paragraph are sued in their official capacities for injunctive and declaratory relief.	(Pl. Compl. para. 6 (ECF No. 1), Def. Answer para. 6 (ECF No. 92)
6. Guam law provides that a political status plebiscite may someday be held in the unincorporated territory, at which time those persons who qualify as "native inhabitants of Guam" will be able to express their desires regarding Guam's future political relationship with the United States of America.	3 GCA § 21000; 1 GCA §§ 2105; 2110(a).
7. Only people who meet the definition of "Native Inhabitants of Guam" will be permitted to vote in the Plebiscite.	(Pl. Compl. para. 1 (ECF No.1), Def. Answer para. 1 (ECF No. 92)
8. "Native inhabitants of Guam" is defined as "those people who became U.S. citizens by virtue of the authority and	3 GCA § 21001(e).

enactment of the 1950 Organic Act of Guam and descendants of those persons.”	
9. At that future plebiscite, qualified plebiscite voters will be asked this question: In recognition of your right to self-determination, which of the following political status options do you favor? (Mark ONLY ONE): 1. Independence () 2. Free Association with the United States of America () 3. Statehood ().	1 GCA § 2110(a).
10. The purpose of the plebiscite is to ascertain “the desires of “those peoples who were given citizenship in 1950[.]”	3 GCA § 21000
11. Plaintiff does not meet the definition of “Native Inhabitant of Guam.”	(Pl. Compl. para. 21 (ECF No. 1), Def. Answer para. 21 (ECF No. 92)
12. Plaintiff applied to register for the plebiscite, but was not permitted to do so because he does not meet the definition of “Native Inhabitant of Guam.”	(Pl. Compl. para. 21 (ECF No. 1), Def. Answer para. 21 (ECF No. 92)

Dated this 30th day of October, 2015.

OFFICE OF THE ATTORNEY GENERAL
Elizabeth Barrett-Anderson, Attorney General

By:


KENNETH ORCUTT
Deputy Attorney General
Litigation Division

Defendants' Concise Statement of Material Facts
in Support of Motion for Summary Judgment
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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the forgoing electronically with the Clerk of Court via the CM/ECF System or email to the following:

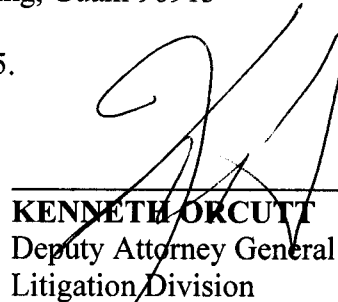
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Dated this 30th day of October, 2015.

By:



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